

EASTERN DISTRICT OF TEXAS

After careful consideration, the court concludes plaintiff's objections are without merit. Plaintiff requests an extension of time to exhaust his administrative remedies and to be transferred from the Stiles Unit until he has exhausted his administrative remedies because the living conditions at the Stiles Unit are dangerous. However, administrative remedies must be exhausted prior to filing the complaint whether the claims involve general circumstances or particular

episodes. *See Porter v. Nussle*, 534 U.S. 516, 523-32 (2002); *Wood v. Hirsch*, 461 F. App'x 365, 365 (5th Cir. 2011) (affirming district court's refusal to stay proceedings to enable plaintiff to exhaust and rejecting claim that "emergency conditions" justified excusing the exhaustion requirements). Since plaintiff did not exhaust his administrative remedies prior to filing this action, the above-styled action should be dismissed without prejudice to plaintiff's ability to file his claims once he has exhausted the available administrative remedies.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 30th day of November, 2015.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE